

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

KAREN DENISE CLARK,

Plaintiff,

V.

UNION PACIFIC RAILROAD,

Defendant.

CASE NO. 4:08CV3248

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff's Motion for Court Appointed Attorney (Filing No. [28](#)), Motions for Return of Documents (Filing Nos. [27](#) and [42](#)), and Motion to Hold Deposition (Filing No. [41](#)). As set forth below, the Motions for Return of Documents are granted and the remaining Motions are denied.

Plaintiff seeks the appointment of counsel because, for various reasons, she has not been able to retain private counsel. (Filing No. [28](#).) The court cannot routinely appoint counsel in civil cases. In [Davis v. Scott, 94 F.3d 444, 447 \(8th Cir. 1996\)](#), the Eighth Circuit Court of Appeals explained that “[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel. . . . The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel” [Id.](#) (quotation and citation omitted). No such benefit is apparent here. The request for the appointment of counsel is therefore denied.

In her Motions for Return of Documents, Plaintiff requests that the court return the original documents she submitted to the court with her responses to various discovery. (Filing Nos. [27](#) and [42](#).) The court notes that discovery responses are not required to be filed with the court. As such, the documents submitted by Plaintiff were not filed but were instead maintained as separate attachments in the office of the Clerk of the court. (Filing

No. [26](#).) Thus, the Motions are granted and the Clerk of the court will be directed to send the requested documents back to Plaintiff. To be clear, those documents will not be filed and therefore will not be kept in the official records of the court.

In her Motion to Hold Deposition, Plaintiff requests that she be permitted to take the deposition of three Union Pacific Railroad employees on October 26, 2009, at the Roman L. Hruska Federal Courthouse. (Filing No. [41](#).) The court does not provide facilities for private litigants to engage in depositions or other discovery. Plaintiff is encouraged to contact Defendants to find a mutually agreeable time and place for the taking of these depositions.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Court Appointed Attorney (Filing No. [28](#)) is denied;
2. Plaintiff's Motions for Return of Documents (Filing Nos. [27](#) and [42](#)) are granted. The Clerk of the court is directed to return the original documents attached to Filing No. [26](#) to Plaintiff. Those documents will not be filed and will not be kept in the official records of the court; and
3. Plaintiff's Motion to Hold Deposition (Filing No. [41](#)) is denied.

DATED this 22nd day of October, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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